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SPECIFIC GROUPS AND INDIVIDUALS: MASS EXODUSES AND DISPLACED PERSONS

Written statement* submitted by the Norwegian Refugee Council, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[17 January 2002]

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*This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Legislative and military measures to reinforce state security must take heed of the human rights and protection needs of internally displaced people

1) The Norwegian Refugee Council (NRC) is unequivocal in its condemnation of terrorism and welcomes the concerted efforts of states in all forums to eradicate terrorism and to protect its citizens from its threat.

2) At the same time, the Norwegian Refugee Council (NRC) would emphasize that special measures to bolster state security in the face of terrorist and other threats can only be effective if they uphold humanitarian and human rights legal standards. The NRC is concerned that in the wake of 11 September 2001 events state efforts to strengthen security risk to violate the fundamental human rights of civilians already suffering from conflict if more explicit disapproval of excessive state actions is not forthcoming from international bodies such as the Human Rights Commission.

3) Perhaps nowhere is compliance with fundamental human rights obligations in the reinforcement of state security more critical than in the protection of the estimated 25 million internally displaced persons around the world. Today, in continents across the globe, persons forced to flee their homes find themselves threatened on all sides. On the one hand, civilian populations are at risk of targeted attack by armed dissident groups, guerrillas and terrorists. On the other hand, they are subject to human rights abuses by the very government security forces charged with their protection. In many instances, individuals are so fearful for their personal security that they hide and trek through forests for weeks before daring to seek assistance.

4) The Norwegian Refugee Council (NRC) through its Global IDP Database (http://www.idpproject.org) has noted a number of country situations where internally displaced persons trapped in regions of intensified fighting find themselves threatened by both armed insurgent and state security forces. Often, these civilian communities are accused of sympathizing with the government by the armed insurgents, and of sympathizing with the insurgents by the government forces. In many cases, they are targeted by individuals of both sides solely on the basis of where they reside, of where they fled from, or of where they fled to.

5) NRC fears that individuals who are already acting with impunity against unarmed civilians in conflict situations such as these will be encouraged by new anti-terrorism rhetoric and legislation and view these international and regional initiatives as a "green light" to abuse human rights law in the name of state security. It cautions states against the proposal and adoption of anti-terrorist and anti-insurgency measures that extend the powers of armed forces and judicial police without due consideration of state commitments to international humanitarian and human rights legal instruments. It appeals to states and their officials to respect humanitarian principles in their treatment of internally displaced persons in areas of conflict.

6) NRC supports the joint statement of 29 November 2001 made by the Office of the UN High Commissioner for Human Rights (UNHCHR), the Council of Europe and the OSCE Office for Democratic Institutions and Human Rights (ODIHR) calling on states "to refrain from excessive steps, which would violate fundamental freedoms and undermine legitimate

dissent".1 It also applauds the work of many national and international NGOs, most notably Amnesty International, in their steadfast appeals to governments to ensure compliance with human rights obligations in dealing with terrorism.2 NRC is greatly encouraged by the leadership of these international bodies and organizations at this time.

7) The Norwegian Refugee Council (NRC) appreciates the onerous challenge that governments face in seeking to ensure the security of their citizens today and stands ready to support all initiatives towards peace, security, freedom and democracy. On the basis of this position, the Norwegian Refugee Council (NRC) makes the following recommendations to Member States of the Human Rights Commission:

a) States proposing and adopting new anti-terrorist and anti-insurgency legislation should ensure that the laws clearly respect international human rights and humanitarian principles;

b) State security forces and, in particular, anti-terrorist and anti-insurgency units should receive extensive human rights training, including training on the content and use of the UN Guiding Principles on Internal Displacement;

c) States experiencing generalized violence and/or conflict on their territories should allow national and international human rights officials to access areas of concern and to monitor conditions for vulnerable populations, including internally displaced people;

d) International and regional bodies should monitor carefully any special measures implemented by states to reinforce security in order that they pay special attention to the protection needs of internally displaced people.

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1 "Human Rights and Terrorism", Joint statement by Mary Robinson, UN High Commissioner for Human Rights, Walter Schwimmer, Secretary General of the Council of Europe, and Ambassador Gérard Stoudmann, Director of the OSCE Office for Democratic Institutions and Human Rights, 29 November 2001.

2 Amnesty International has released numerous statements calling on states to strictly adhere to their international obligations and commitments to uphold human rights and fundamental freedoms in pursuing the objective of eradicating terrorism. See Amnesty International website: http://amnesty.org